

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO.1236 OF 2005

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Date: 09-09-2005

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Between:

G. Rajendranath Goud

..... Appellant

AND

The Government of Andhra Pradesh Rep. by its Principal Secretary, Revenue
(Endowments) Department, Hyderabad and others

....Respondents

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

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WRIT APPEAL NO.1236 OF 2005

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J U D G M E N T (Per the Hon'ble Sri Bilal Nazki, ACJ)

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Heard learned counsel for the parties.

This appeal has been filed against an order passed by the learned Single Judge in Writ Petition No.8690 of 2005. The writ petitioner had challenged a notification dated 12-04-2005 and had contended that he was the member of Founder's Family of Sri Venkateswara Temple, Chikkadapally, Hyderabad. He also contended that as a member of the Founder's Family, he was entitled to administer the temple. The grievance he projected before the learned Single Judge was that he made a representation on 12-08-2002 seeking exemption from the provisions of Sections 15 and 20 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, for the appointment of a Trust Board and also an Executive

Officer and this representation was not being decided. The learned Single Judge, directed consideration of the representation, but the writ petitioner/appellant is aggrieved of the observations made by the learned Single Judge that the petitioner was not qualified to be a member of the Trust Board or Chairman of the Trust Board. We think that it would be appropriate that the respondents are given freedom to decide the representation of the writ petitioner/appellant in accordance with law. Therefore, while modifying the order passed by the learned Single Judge accordingly, we direct that the respondents may consider the representation of the writ petitioner/appellant in accordance with law and during that consideration they may not take into consideration the observations made by the learned Single Judge with regard to the qualifications of the writ petitioner. The issue whether the writ petitioner is qualified or not is kept open and may be decided by the respondents while deciding the representation.

The writ appeal is accordingly disposed of. No order as to costs.

(Bilal Nazki, ACJ)

9th September, 2005

(R.Subhash Reddy,J)

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